

FILED & ENTERED

OCT 30 2017

CLERK U.S. BANKRUPTCY COURT
Central District of California
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NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

MARTIN PEMSTEIN and DIANA
PEMSTEIN,

Debtors.

Case No. 2:12-bk-15900-RK

Chapter 11

**ORDER DENYING DEBTORS' SECOND
AMENDED MOTION TO VACATE
DISCHARGE ENTERED ON
SEPTEMBER 11, 2017**

Date: October 25, 2017

Time: 11:00 a.m.

Courtroom: 1675

This bankruptcy case came on for hearing on October 25, 2017 before the undersigned United States Bankruptcy Judge on the Second Amended Motion of Debtors Martin Pemstein and Diana Pemstein to Vacate Order of Discharge Dated 9/11/2017 (DOC 438) ("Motion")(Docket No. 445). Debtor Martin Pemstein appeared for himself. Debtor Diana Pemstein did not appear. Creditor Harold Pemstein by his counsel, Christopher L. Blank, Attorney at Law, PC, filed a written response to the Motion, but did not appear at the hearing.

Having considered the moving and responding papers and oral argument of Debtor Martin Pemstein, the court denies the Motion is denied for the reasons stated in

1 its tentative ruling (copy attached) and as orally stated on the record at the hearing.

2 IT IS SO ORDERED.

3 ###

25 Date: October 30, 2017



Robert Kwan
United States Bankruptcy Judge

TENTATIVE RULING

Deny motion to vacate discharge since the only discharge entered in this case was the one entered on 9/11/17 and is not duplicative of the order directing entry of discharge on 9/23/13 and because debtor has not shown that such entry on 9/11/17 is untimely. Appearances are required on 10/25/17, but counsel may appear by telephone.

END OF TENTATIVE RULING